

### REMARKS

This communication is in response to the non-final rejection dated May 2, 2005. In the rejection, the Examiner has withdrawn the anticipation rejection using Chung alone, and the Examiner now advances an obviousness rejection using Chung and Smith. It is respectfully submitted that Chung and Smith are improperly combined and, therefore, the obviousness rejection is improper and should be withdrawn.

#### **Indefiniteness Rejection of Claim 24**

Claim 24 has been amended to clarify that the claim is to an apparatus, and not to a method, as helpfully suggested by the Examiner.

#### **Rejections based on Prior Art**

Contrary to the statements in the Examiner's "Response to Arguments," Applicant does not disagree that Chung discloses counting and compiling some type of errors. However, the errors are errors detected by inspecting, but not by executing, the source code. In any event, the Examiner seems to recognize this distinction now, relying on a secondary reference (to Smith) as allegedly disclosing this feature.

Furthermore, the Examiner now contends that it would be obvious to modify the Chung disclosure in view of Smith "because they are both directed to monitoring, identifying errors in software programs." The Examiner also contends that the motivation for doing so would be "to ensure that library program functions associated with the program can be called dynamically (i.e., during execution) and accessed by other programs written in other languages and perform [sic] as they were programmed to performed [sic]."

However, contrary to the Examiner's allegations, Chung is not directed to monitoring and/or identifying errors in software programs. Rather, Chung is directed to estimating the number of internationalization faults in a software program. As disclosed by Chung, the estimates are useful in determining how much time and manpower to devote to the testing and debugging process. For example, at col. 4, lines 35-64, Chung states (underlining added):

FIG. 2 illustrates a flowchart of one embodiment of the present invention of a method 200 for estimating the number of internationalization faults, e.g., errors, warnings, in an internationalized software program. As stated in the Background Information section, the total time spent testing and debugging an internationalized software program may vary from program to program. Unfortunately, software developers when asked to test and debug a particular internationalized software program may not be able to estimate the number of internationalization faults, e.g., errors, warnings, in the particular internationalized software program to be debugged thereby being unable to estimate the number of hours to be spent testing and debugging the internationalized software program. Furthermore, a project manager may assign multiple software developers to test and debug a particular internationalized software program. Unfortunately, the project manager may not be able to determine the exact number of software developers to be assigned since the project manager may not be able to estimate the number of internationalization faults, e.g., errors, warnings, in the particular internationalized software program to be debugged thereby being unable to estimate the number of software developers to be assigned to test and debug the particular internationalized software program. It would therefore be desirable to develop a method to estimate the number of internationalization faults, e.g., errors, warnings, in a particular internationalized software program. Method 200 is a method for estimating the number of internationalization faults, e.g., errors, warnings, in a particular internationalized software program.

Thus, it can be seen that Chung discloses a method to assist in time and labor planning for debugging and testing a program, not actually debugging and testing the program. Much of the latter part of the Chung disclosure is dedicated to describing a formula for applying the number of errors found in a subset of code to estimate the total amount of time and labor required to test and debug the code (taking into consideration, for example, the skill level of the developer.

Smith, on the other hand, does describe actually testing and debugging programs. Basically, Smith discloses generating a test application designed to call each program function in a dynamic link library. See Abstract.

Based on what Chung and Smith disclose (Chung: estimating, for time and labor planning. Smith: generating test applications, for actual debugging), it is respectfully submitted the Examiner's stated motivation for modifying Chung in view of Smith is flawed. As discussed above, given that Chung is directed to estimating, for time and labor planning (with actual test and debugging to follow), one would not be motivated to modify Chung to include the "actual testing" features disclosed by Smith. More specifically, the Examiner states that the motivation would be "to ensure the library program functions associated with the program can be called dynamically," but Chung is not concerned with ensuring anything, only with estimating time and labor to later debug and test a program.

The Examiner further relies on Ruhlen in rejecting some of the claims. Contrary to the Examiner's assertion, Applicant can find nothing in Ruhlen that discloses storing modifications made in response to errors. Fig. 2 and corresponding text, cited by the Examiner, discloses compiling and storing information of failures, but there is no disclosure of storing modifications made in response to errors. Neither does the disclosure at col. 3, lines 63-37 or col. 2, lines 11-13 describe storing modifications made in response to errors.

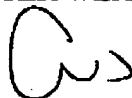
With regard to Leung, a testing tool is inserted into the code to be tested, so that it can be determined where errors are occurring. Given that this has nothing to do with Chung's disclosure of time and labor planning, it is respectfully submitted that there is no proper motivation to modify Chung in view of Leung. Similarly, there is no proper motivation to modify Chung in view of Hanson.

With regard to motivation in general, Applicant incorporates the comments made in the previous response, with respect to the use of hindsight reasoning.

#### CONCLUSION

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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